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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,573	02/09/2004	Tsutomu Kojima	P21-164404M/ISI	3561
21254 7590 08/29/2007 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			EXAMINER KENNEDY, JOSHUA T	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 08/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/773,573	Applicant(s) KOJIMA ET AL.	
	Examiner Joshua T. Kennedy	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,14-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,14-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/22/2007 has been entered.

Claims 1-5, 8, 9, 14-19, and 21-29 have been examined.

Claims 6-7, 10-13, and 20 have been cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5, 8, 9, 14-19, and 21-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether claims 1-5, 8, 9, 14-19, and 21-29 are drawn to the combination or subcombination. In particular, the preamble of each of the claims 1, 14, 23 and 24 implies the subcombination of the securing clip while the body of the claims positively references "the regulating wall of the second panel". It is not clear how the

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recitation of elements that are otherwise not a part of the apparatus being claimed serve to structurally define said apparatus and patentably distinguish said apparatus from the prior art. For this Office action only, it will be considered that these claims are drawn to the subcombination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8, 9, 14-19, and 21-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Bakker et al (U.S. Patent No. 6,234,835).

As to Claim 1. Bakker et al disclose a securing clip capable of securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and

a second fitting portion having a U-character shape (22), wherein:

the securing clip being like an S-character in cross section (Fig. 4); and

the second fitting portion comprising a first engaging pawl (34) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5),

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wherein a portion of said U-character shape second fitting portion (22), which is common to a portion of said U-character shape first fitting portion forming a middle of said S-character (12), comprises a second engaging pawl (20) opposing said first engaging pawl (Fig 4), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claim 2. Bakker et al disclose the engagement wall (32) existing in bilateral symmetry (Fig. 5).

As to Claims 3 and 4. Bakker et al disclose an engagement face of the engagement wall (32) being inclined with respect to a central axis of the U-character shape of the second fitting portion (Fig. 5).

As to Claim 5. Bakker et al disclose a detachment grip portion (30).

As to Claims 8 and 9. Bakker et al disclose a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) being protruded on an inner wall face of the second fitting portion.

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As to Claim 14. Bakker et al disclose a securing clip for securing a first panel having a hole to a second panel having a hole and a regulating wall, the securing clip comprising:

a first U-shaped fitting (18) comprising a first engaging pawl (23) on an inner wall of the first U-shaped fitting capable of engaging a hole in the first panel (120); and

a second U-shaped fitting (22) comprising:

a second engaging pawl (34) on an inner wall of the second U-shaped fitting capable of engaging a hole in the second panel; and

an engagement wall (32) comprising an engaging face at an end of the engagement wall that faces an opening in the close end of the U-shape of the second U-shaped fitting (Fig 5),

wherein the first U-shaped fitting and the second U-shaped fitting form an S-shaped cross-section (Fig 4), and

a third engaging pawl on an inner wall of the second U-shaped fitting and opposing said second engaging pawl (20), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claim 15 and 16. Bakker et al disclose the engagement wall (32) comprising a pair of engagement faces symmetrically positioned around said second engaging pawl (Fig 3).

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As to Claim 17. Bakker et al disclose the engagement face (32) being inclined with respect to an axis which is perpendicular to a longitudinal axis of said U-character shape of the second fitting portion (Fig. 3).

As to Claim 18. Bakker et al disclose a detachment grip portion (30) integrally provided on an outside wall face at the opening end of said U-character shape of the second fitting portion.

As to Claim 19. Bakker et al disclose a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) on an inner face.

As to Claim 21. Bakker et al disclose said second engaging pawl comprises a pair of second engaging pawls receiving said first engaging pawl between the pair of second engaging pawls (Fig 3).

As to Claim 22. Bakker et al disclose said third engaging pawl comprises a pair of third engaging pawls receiving said second engaging pawl between the pair of third engaging pawls (Fig 2).

As to Claim 23. Bakker et al disclose a securing clip for securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and

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a second fitting portion having a U-character shape (22), wherein:
the securing clip being like an S-character in cross section (Fig. 4); and
each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5), and

wherein said engagement wall is provided parallel to the inner wall face of the U-character shape of the second fitting portion (Figs 4 and 5; Examiner considers the further portion to the right (as looking at claim 4) of the engagement wall to be parallel to portion 12), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claim 24. Bakker et al disclose a securing clip for securing a first panel member with a second panel member, comprising:

a first fitting portion (18) having a U-character shape; and
a second fitting portion having a U-character shape (22), wherein:
the securing clip being like an S-character in cross section (Fig. 4); and

each of the first fitting portion and the second fitting portion comprising an engaging pawl (23 and 34, respectively) on an inner wall face, and the second fitting portion comprising an engagement wall (32) having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion (Fig 5),

wherein said engagement face is positioned substantially in the center between an open end and the closed end of the U-character shape of the second fitting portion (Fig 5), and

wherein said engagement face of the engagement wall is inclined outwardly away from said opening in the closed end of the U-character shape of the second fitting portion (Fig 5; Examiner considers the top, inclined wall of the spring blade 32 to be the engagement face).

As to Claims 28. Bakker et al disclose the engagement wall (32) capable of being engaged to second panel including a regulating wall (Col 3, Lines 8-10).

As to Claim 29. Bakker et al disclose a detachment grip portion (30);

wherein the engagement wall (32) existing in bilateral symmetry (Fig. 5); and

wherein a rib wall (Figs 1 and 4; Examiner considers the rib wall to be the indent formed on the leg 16) is protruded on an inner wall face of the second fitting portion.

Response to Arguments

Applicant's arguments filed 7/18/2007 have been fully considered but they are not persuasive.

As to the Claims, Applicant's argue:

"the Bakker et al. reference does not teach or suggest features of the claimed invention including an engagement wall having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion and that is inclined outwardly away from the opening in the closed end of the U-character shape of the second fitting portion, wherein a regulating wall of a second panel and the engagement wall are engaged." (Page 8)

Examiner respectfully disagrees. As advanced in the anticipation rejection above, Bakker et al disclose an engagement wall having an engagement face at an end of the engagement wall that faces an opening in the closed end of the U-character shape of the second fitting portion and that is inclined outwardly away from the opening in the closed end of the U-character shape of the second fitting portion. However, it is not proper to recite of elements that are otherwise not a part of the apparatus being claimed (i.e. a regulating wall of a second panel) in order to structurally define said apparatus and patentably distinguish said apparatus from the prior art.

As to the comments in Section C. of Applicant's response (Pages 8-9), Examiner has reviewed and corrected all discrepancies pointed out by the applicant in the rejection above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is 571-272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JTK

8/24/2007



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